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IMPERIAL COUNTY
DIVISION OF ENVIRONMENTAL HEALTH
797 MAIN STREET, EL CENTRO, CA 92243
LOCAL ENFORCEMENT AGENCY

IN THE MATTER OF:) AMENDED NOTICE AND ORDER
Calexico Solid Waste Site (Facility No. 13-AA-0004),) NO. EA-2010-01
133 W. Hwy 98, Calexico, CA.) Public Resources Code Division 30, Sections
Described by Assessor Parcel Numbers:) 44106 and 45011. California Code of
059100022, 059100024, 059100030, and 059100031.) Regulations Title 27, Sections 21600 and
20750.

To: County of Imperial
William S. Brunet, Director
Imperial County Department of Public Works
155 South 11th Street
El Centro, CA 92243

PLEASE TAKE NOTICE:

The California Department of Resources Recycling and Recovery issued the Calexico Solid Waste Site an Amendment to the Inclusion on the Inventory of Solid Waste Facilities Which Violate State Minimum Standards pursuant to Section 44104 of the Public Resources Code (PRC) on February 4, 2010. Since the Operator of the Calexico Solid Waste Site has failed to comply with the requirements of Title 27 of the California Code of Regulations, the LEA has the authority pursuant to Section 44106(a) of the PRC to order a compliance schedule to ensure progress will be made to bring the facility into compliance.

On July 28, 2010, the Imperial County Local Enforcement Agency (LEA) amended Notice and Order EA-2010-01 issued to the Imperial County Department of Public Works (Operator) on February 24, 2010 directing the Operator to correct violations of 27 CCR 21600 –

1 **Report of Disposal Site Information** at the Calexico Solid Waste Site within a stipulated
2 timeframe. The Operator was directed in Amended Notice and Order EA-2010-01 to submit a
3 permit revision application to incorporate changes to the design and operation of the landfill by
4 September 26, 2010 and to obtain a revised Solid Waste Facility Permit that incorporates all
5 significant changes by February 23, 2011. The Operator was also directed to repair the road
6 crossing the New River or provide an alternate access point to the eastern portion of the site in
7 order to conduct site maintenance by February 23, 2011.

8 The Operator submitted a permit revision application to the LEA on September 23, 2010,
9 which in part, seeks to remove the eastern portion of the site from the permitted boundary of the
10 facility. However, the permit revision application was deemed incomplete; and on October 20,
11 2010, the Imperial County Department of Public Works submitted a request to the LEA for the
12 acceptance of an incomplete application package. On October 28, 2010, the LEA granted the
13 request and notified the Operator that the statutory time limits contained in Section 44008 of the
14 Public Resources Code had been waived.

15 A written request by the Operator has been submitted to the LEA on February 24, 2011
16 providing a date certain of **April 26, 2011** to complete the permit revision application package.
17 The LEA finds the request for the extension reasonable and hereby amends the timeframes
18 specified in Amended Notice and Order EA-2010-01 to those listed in this Amended Notice and
19 Order.

20 **WHEREAS**, the Calexico Solid Waste Site is located at 133 W. Highway 98
21 (approximately 1.15 miles west of Calexico, California), described by Assessor Parcel Numbers:
22 059100022, 059100024, 059100030 and 059100031;

23 **WHEREAS**, the Imperial County Local Enforcement Agency has the authority to act in
24 the capacity of enforcement agency (EA) for this facility pursuant to Public Resources Code
25 Section 43200 et. seq., and is so acting; and

26 **WHEREAS**, the Imperial County Department of Public Works shall operate the
27 Calexico Solid Waste Site (Facility Number: 13-AA-0004) in accordance with Title 27 of the
28 California Code of Regulations Sections, Chapter 3 (State Minimum Standards) and the Solid
29 Waste Facility Permit.

1 **THEREFORE, YOU ARE HEREBY ORDERED TO DO THE FOLLOWING:**

2 Complete the following action on or before the date specified herein:

3 1. Section 21600 T27 CCR – Report of Disposal Site 4 Information: Submit a complete permit revision 5 application that addresses the significant changes made 6 at the site and complies with the directives provided in 7 the 5-Year Permit Review Report.	April 26, 2011
8 2. Obtain a revised Solid Waste Facility Permit that 9 incorporates all significant changes made at the site.	August 24, 2011

10 **FURTHER NOTICE:**

11 **PURSUANT TO PRC SECTIONS 44305, 44306, 45011, 45014, AND 45023,** if
12 the above action is not completed or complied with by the specified dates, the Local
13 Enforcement Agency may:

- 14 1. Petition the superior court for injunctive relief to enforce this Notice and Order.
15 [PRC Section 45014]
- 16 2. Petition the superior court for civil penalties in an amount not to exceed \$10,000
17 per day for each violation. [PRC Section 45023 and 45024]
- 18 3. Impose administrative civil penalties in an amount not to exceed \$5,000 per day
19 for each day the facility fails to achieve compliance with the time frames
20 specified above. [PRC Section 45011]
- 21 4. Suspend or revoke the Solid Waste Facility Permit. [PRC Sections 44305 and
22 44306]

23
24 In the event the time frame for completion of the above-specified activities cannot be
25 adhered to due to factors not in the control of the operator, the LEA may extend the stipulated
26 deadline based upon those specific factors provided by the operator in writing. Any such
27 extension to the time frame or other amendment to this Notice and Order shall be in the form of
28 an Amended Notice and Order.
29

1 Nothing in this Notice and Order shall constitute or be construed as a satisfaction or
2 release from liability for any conditions or claims arising as a result of past, current, or future
3 operations. Notwithstanding compliance with the terms of this Notice and Order, the owner and
4 operator may be required to take further actions as necessary to protect the public health, safety,
5 or the environment.

6 The LEA shall not be liable for injuries or damages to persons or property resulting from
7 acts or omissions by the owner or operator or related parties in carrying out activities pursuant to
8 this Notice and Order, nor shall the LEA be held as a party to any contract entered into by the
9 owner or operator or their agent(s) in carrying out activities pursuant to this Notice and Order.

10 This Notice and Order is supported by the accompanying declaration of Jorge Perez.

11 This Notice and Order does not relieve the owner or operator from complying with all
12 other local, state, and federal requirements, nor does it preclude the LEA or CalRecycle from
13 taking any and all other actions allowed by law.

14 This Notice and Order may only be amended in writing by an appropriate representative
15 of the LEA.

16 **PLEASE TAKE NOTICE THAT:**

17 Pursuant to Title 14 CCR Section 18304(b)(8), the person or entity named in this Notice
18 and Order has the right to appeal this Notice and Order to the Hearing Panel. [PRC Section
19 44307] A request for a hearing before the Hearing Panel must be filed within 15 days from the
20 date of receipt of this Notice and Order. [PRC Section 44310]

21 This Notice and Order is issued as of the date set forth below.

22 Dated: 3/7/2011

23 
24 **Jorge Perez**

25 **Environmental Health Compliance Specialist III**
26 **Local Enforcement Agency**
27 **Imperial County Public Health Department,**
28 **Environmental Health Services**
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BEFORE THE
IMPERIAL COUNTY DIVISION OF ENVIRONMENTAL HEALTH
LOCAL ENFORCEMENT AGENCY

In the Matter of:

) AMENDED NOTICE

) AND ORDER

Calexico Solid Waste Site (Facility No. 13-AA-0004),

) NO. EA-2010-01

133 W. Highway 98, Calexico, CA, described by Assessor Parcel

Numbers: 059100022, 059100024, 059100030 and 059100031

) DECLARATION OF

) JORGE PEREZ

I, Jorge Perez, declare that,

1. I am currently, and was at all times referenced herein, employed as an Environmental Health Compliance Specialist III by the Imperial County Public Health Department, Division of Environmental Health, which serves as the Local Enforcement Agency (LEA) for the County of Imperial as authorized by the California Department of Resources Recycling and Recovery.

2. I have personal knowledge that the Calexico Solid Waste Site is in violation of Division 30 of the California Public Resources Code and Title 27 of the California Code of Regulations as described in the attached Amended Notice and Order EA-2010-01

3. I declare under penalty of perjury that the foregoing is true and correct.

Date: 3/7/2011


Jorge Perez

Environmental Health Compliance Specialist III
Local Enforcement Agency